

## DETAILED ACTION

### Election/Restrictions

**Claims 6/7/13** and **33-35** are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected inventions, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on **08/13/2008**.

### Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p) (5) because they include the following reference character(s) not mentioned in the description: **150** in **fig. 13**. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.
2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore,

- a. **the third sidewall** in **claim 12**

- b. **an axis** in **claims 1/10/14/24**
- c. **an inner first diameter** in **claim 14**
- d. **an outer second diameter** in **claim 14**
- e. **a second axis** in **claim 14**
- f. **an inner third diameter** in **claim 14**
- g. **an outer forth diameter** in **claim 14**
- h. **a third sidewall** in **claim 14**
- i. **an inner fifth diameter** in **claim 14**
- j. **a first clearance** in **claim 14**
- k. **an outer sixth diameter** in **claim 14**

Must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must

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be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### Specification

3. The disclosure is objected to because of the following informalities:
  - l. In **page 8, line 11**; the reference character **[64]** is not designated for the can as disclosed.
  - m. In **page 8, line 12**; the reference character **[60]** is not designated for the encapsulated magnet as disclosed.
  - n. In **page 9, line 9**; the reference character **[96]** is not designated for the die as disclosed.
  - o. In **page 9, line 14**; the reference character **[64]** is not designated for the bottom can as disclosed.
  - p. In **page 14, line 13**; the reference character **[128]** is not designated for the can wall as disclosed.Appropriate correction is required.

### Claim Objections

4. **Claims 12/14** are objected to because of the following informalities: **the third sidewall** in **claim 12** is not shown in drawings.
  5. **Claims 1/10/14/24** are objected to because of the following informalities: **the axis** is not shown in drawings.
- Appropriate correction is required.

### **Claim Rejections - 35 USC § 112**

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. **Claims 12/14** are rejected under **35 U.S.C. 112, first paragraph**, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

- q. **the third sidewall in claim 12**
- r. **an inner first diameter in claim 14**
- s. **an outer second diameter in claim 14**
- t. **a second axis in claim 14**
- u. **an inner third diameter in claim 14**
- v. **an outer forth diameter in claim 14**
- w. **a third sidewall in claim 14**
- x. **an inner fifth diameter in claim 14**
- y. **a first clearance in claim 14**
- z. **An outer sixth diameter in claim 14.**

### Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country, in public use, or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. **Claims 1/4/5/9** are rejected under **35 U.S.C. 102(b)** as being anticipated by **Podlesny et al. US 4,896,131 A [Podlesny]**.
8. Regarding **claim 1**, at **[figs. 2-3]** **Podlesny** teaches a magnetizable member **[28]** having a lateral side **[28]** extending along an axis; a first can **[32]** having a first sidewall extending along the axis outside of the lateral side **[fig. 3 shows that element 32 extending along element 28]** and a first end **[34]** transverse to the axis and integral with the first sidewall **[fig. 3]**; a second can **[30]** having a second sidewall **[fig. 3 shows that element 30 extending along element 28]** extending along the axis outside of the lateral side **[fig. 3]**, a second end **[34]** transverse to the axis and integral with the second sidewall, and a first annular lip **[26, each lip has an annular base]** extending along the axis, integral with the second sidewall on a side thereof opposite the second end **[fig. 3]**, and disposed on a side of the first sidewall opposite the magnetic member **[28]**; and an adhesive **[adhesive could mean a material capable of fastening two other materials together by means of surface attachment; the inner side of elements 30/32]** . Disposed between the magnetizable member **[28]** and the first

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and second sidewalls and between the first sidewall and the lip [26], whereby the magnetic member and the first and second cans are bonded together [fig. 2].

9. Regarding **claim 4**, wherein the magnetizable member [28] and the first and second cans [30/32] are substantially circularly symmetric about the axis [fig. 3].

10. Regarding **claim 5**, wherein the magnetizable member [28] is shaped as a right circular cylinder [c. 3, l. 16].

11. Regarding **claim 9**, wherein the cans are stamped [method step is inherent in the product structure].

### **Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. **Claims 2/3/8** are rejected under **35 U.S.C. 103(a)** as being unpatentable over **Podlesny**.

13. Regarding **claims 2-3**, **Podlesny** discloses the claimed invention except for that the first and second ends have thicknesses of less than 0.64 mm, and the first and second sidewalls and the lip have thicknesses of less than 0.64 mm. Based on [fig. 3] the thickness of the elements appear to be in millimeter. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the first and second ends have thicknesses of less

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than 0.64 mm, and the first and second sidewalls and the lip have thicknesses of less than 0.64 mm in order to keep the magnet protected and secured, and since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable range involves only routine skill in the art. In re Aller, 105 USPQ 233.

14. Regarding **claim 8**, **Podlesny** discloses the claimed invention except for that the cans are formed of non-ferromagnetic stainless steel. **Podlesny** disclosed at [c. 3, l. 17] that the cans are made of a plastic which is non-ferromagnetic material. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the cans made of plastic in order to prevent the external magnetic fields from interfering with the permanent magnet field, and since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In re Leshin, 125 USPQ 416.

### **Claim Rejections - 35 USC § 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

15. **Claims 10-12/14/37** are rejected under **35 U.S.C. 102(a)** as being anticipated by **Komura et al. US 6,608,415 B2 [Komura]**.

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16. Regarding **claim 10**, at **[figs. 2a/2b]** Komura teaches a cylindrically shaped magnetizable body **[4/6/8/9]**; a first canister member **[10]** including a first sidewall having an outer first diameter **[element 10 has an outer diameter]** and a shape symmetric about a central axis **[fig. 2a]**; a first canister end **[element 10 has an end as shown in fig. 2a]** having at least a portion extending transversely to the central axis and joined to the first sidewall at a first end thereof; a second canister member **[5]** having a second sidewall overlapping the first sidewall at a second end thereof **[fig. 2a shows that element 5 is overlapping element 10]** and having an inner second diameter larger than the first diameter **[fig. 2a shows that element 5 is larger and covering element 10]** and a shape symmetric about the central axis and a second canister end extending transversely to the central axis and integral to the second sidewall, the magnetizable body **[4/6/8/9]** being enclosed within the first and second sidewalls and the first and second canister ends **[figs. 2a/2b]**; and an adhesive included between the magnetizable body and the first and second sidewalls and between overlapping portions of the first and second sidewalls **[c. 6, l. 29-38]**.

17. Regarding **claim 11**, wherein the first canister end **[bottom side of element 10]** is integral with the first canister member **[10]**.

18. Regarding **claim 12**, wherein the second canister member **[5]** has a third sidewall **[top side of element 5]** intermediate and integral with the second canister end and the second sidewall, having an inner third diameter substantially equal to the first diameter and a shape symmetric about the central axis **[13fig. 2a]**.



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19. Regarding **claim 37**, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, and then it meets the claim.

20. Regarding **claim 14**, at **[figs. 2a/2b and the annotated drawing in page 11] Komura** teaches a first can **[10]** comprising a first continuous can member **[10]** comprising a first sidewall **[A]** circularly symmetric about and extending along a first axis **[B]**, having an inner first diameter **[D]** and an outer second diameter **[E]** differing there between by twice a first wall thickness, and a first end **[F]** extending transversely to the first axis **[B]**, having a first end thickness, and connected to the first sidewall **[A]**; and a second can **[5]** comprising a second continuous can member **[5]** comprising a second sidewall **[G]** circularly symmetric about and extending along a second axis **[C]** disposable along the first axis **[B]**, having an inner third diameter **[H/H]** and an outer fourth diameter **[I]** differing there between by twice a second wall thickness, a second end **[J]** extending transversely to the second axis **[C]** and connected to the second sidewall **[G]**, and a third sidewall **[J]** circularly symmetric about and extending along the second axis **[C]**, having an inner diameter **[H/H]** larger than the second diameter **[E]** by a first clearance **[HE]** and an outer sixth diameter **[I]** greater than the fifth diameter **[H/H]** by twice a third wall thickness, and connected to the second sidewall **[G]** on a side thereof opposite the second end **[J]**; whereby the third sidewall is slidable over a radial outside of the first sidewall **[fig. 2a]** so that

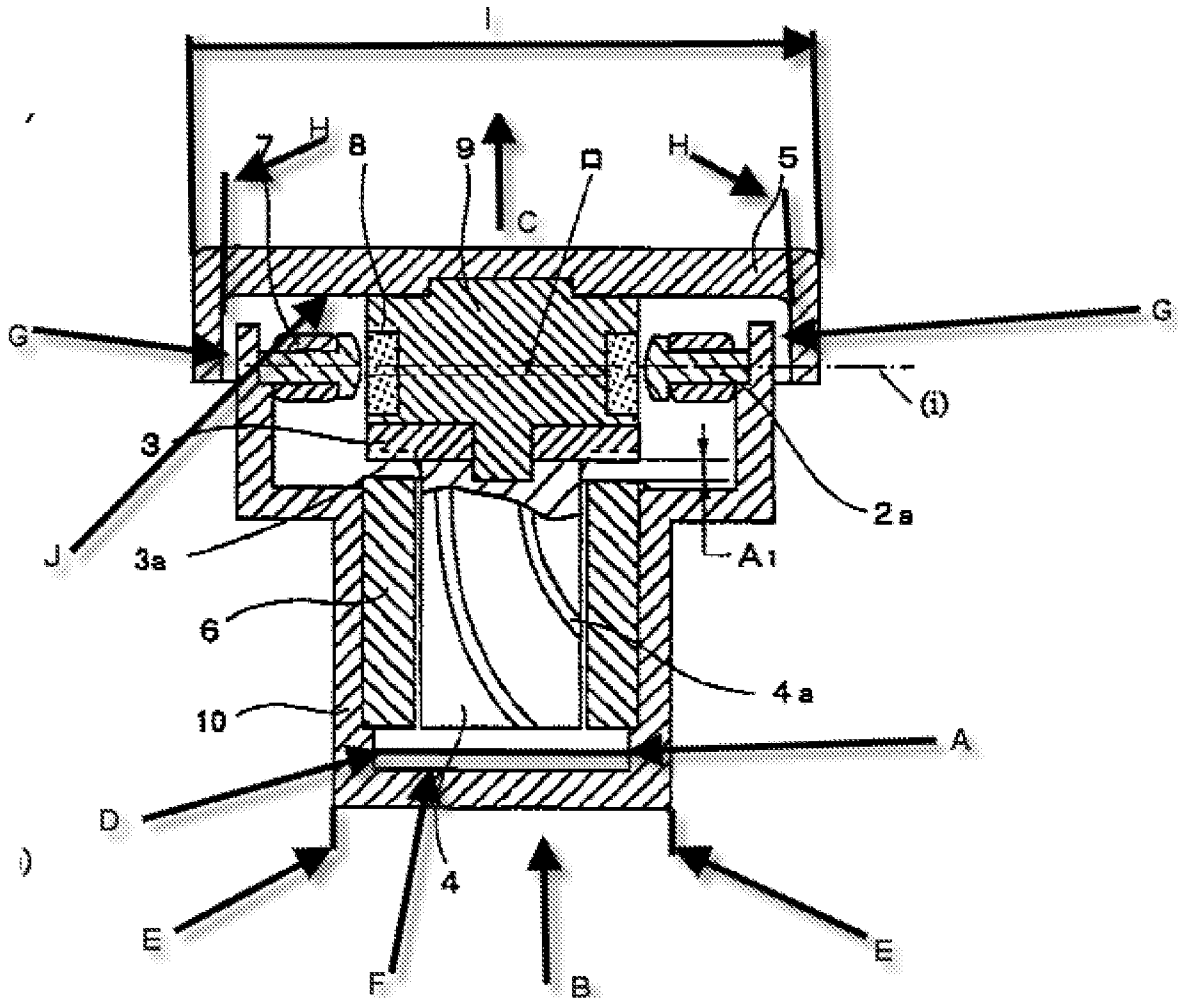
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the first and second can members are able to partially overlap along the first axis

**[fig. 2a].**

21. **Claims 15-23 and 29-32** are rejected in the same logic as **claims 1/2/3/8/9**, and as admitted by the applicant in the reply filed on **04/28/2008**, in regards to claims **29-32**.

22. **Claims 24-28**, the method steps are closely follow the apparatus structure as admitted by the applicant in the reply filed on **04/28/2008**.



### **Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. **See the notice of references cited (PTO-892).**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Mohamad A. Musleh** whose telephone number is **(571) 272-9086**. The examiner can normally be reached on M-F (7:30-5:00 Est. Time) 1st Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Elvin G. Enad** can be reached on **(571) 272-1990**. The fax phone number for the organization where this application or proceeding is assigned is **(571) 273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (**PAIR**) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see **<http://pair-direct.uspto.gov>**. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (**EBC**) at **866-217-9197 (toll-free)**. If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call **800-786-9199 (IN USA OR CANADA) or 571-272-1000**.

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